

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of claims 6 and 10 under 35 U.S.C. § 112, second paragraph

In view of this rejection, the written description of the present invention has been amended to more clearly describe a "composite weave." Specifically, the composite weave is described as being a fabric formed of woven strands each of which is of a composition comprising a mixture of two or more plastic materials. Accordingly, in view of the clearer description of a "composite weave" in the written description, Applicant submits that claims 6 and 10 conform with 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of this rejection is requested.

2. Rejection of claims 1-4, 7-8 and 11-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,423,276 (Eckenroth)

Claims 1-4, 7-8 and 11-15 stand rejected as being anticipated by Eckenroth. For the reasons put forth below and in view of the amendment to claim 1, Applicant respectfully traverses this rejection by asserting that Eckenroth is deficient in disclosing or suggesting the inventive overlay trim member recited in claim 1 of the present invention. Claims 2-4, 7-8 and 11-15 which directly or indirectly depend from claim 1, are also patentable over Eckenroth based in significant part on their individually recited elements and the distinction of claim 1 therefrom enumerated below.

a. Invention Summarized

As amended, claim 1 recites an overlay trim member that includes a decorative, non-utilitarian main plate that has at least one opening, at least one decorative, non-utilitarian insert plate which is configured and dimensioned

corresponding to the at least one opening of the main plate, and a backing member on which the main plate and the insert plate are mounted. The material or finish of the insert plate is different than that of the main plate. The at least one opening is arranged to receive the insert plate which fits snugly therein.

It will be noted that support for the limitation "decorative, non-utilitarian" with respect to the main plate and the insert plate can be found in paragraphs 0001, 0002, 0016 and 0017 of the written description of the present application.

b. Reference Distinguished

While Eckenroth discloses a decorative covering for dashboard panels, the covering of Eckenroth differs from the present invention on the basis of several important particulars.

In the Office Action, Eckenroth is described as disclosing a decorative covering having openings that constitute access holes cut through decorative and reinforcing sheets. The access holes are configured to fit closely around instruments on a conventional dashboard panel including mountings for a speedometer, clock, radio, and ignition switch (col. 1, lines 62-67). Of particular note, the dashboard mountings in Eckenroth are interpreted in the Office Action as the insert panels of the present invention.

While the instrument mountings in Eckenroth obviously provide utilitarian functionality, they are not provided for decorative, non-utilitarian purposes as are the insert plates of the present invention. Instead, the access holes in Eckenroth are arranged and configured so as to accommodate the instrument mountings and are limited in size and shape to only the instrument mountings. Accordingly, the access holes described in Eckenroth are not arranged simply for decorative, non-utilitarian reasons, and therefore, are not arranged to receive decorative, non-utilitarian insert plates as in the present invention.

It will be submitted that nowhere in Eckenroth is there a disclosure or suggestion of at least one decorative, non-utilitarian insert plate and a decorative,

non-utilitarian main plate having at least one opening arranged to receive the at least one insert plate.

Accordingly, Applicant respectfully submits that Eckenroth fails to disclose or suggest the overlay trim member of the present invention. Withdrawal of the rejection is respectfully requested.

3. Rejection of claims 1, 4 and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,452,861 (Erwin)

Claims 1, 4 and 7 stand rejected as being anticipated by Erwin. For the reasons put forth below and in view of an amendment to claim 1, Applicant respectfully traverses this rejection by asserting that Erwin fails to disclose or suggest the inventive overlay trim member recited in claim 1 as summarized above. Claim 4 and 7 which directly depend from claim 1, are also patentable over Erwin based in significant part on their individually recited elements and the distinction of claim 1 therefrom enumerated below.

Erwin discloses a basic decorative wood grain sheet material for automobile panels and it is different from the overlay trim member of the present invention on the basis of the following particulars.

According to this rejection based on anticipation, it is inherently asserted that Erwin discloses all of the elements of claim 1 of the present invention. It will be noted, however, that there is no identification in the Office Action of the novel features of the present invention as being taught in Erwin. Specifically, Erwin fails to disclose or suggest the opening in a main plate of an overlay trim member and further an insert plate that corresponds to the shape and dimensions of such an opening in a main plate and is arranged to fit snugly therein.

It will be noted that Erwin does indicate that the wood grain pattern of the decorative sheet may be "discontinuous" (col. 2, lines 61-66), however such discontinuity is described as relying on some color from the pigmented background and does not allude to there being an opening arranged to receive a specific

component, such as the insert plate of the invention. Furthermore, even though Erwin may describe a transitional adhesive material between the wood grain pattern 16 and the cushioning layer 17 (col. 3, lines 10-15) as being a "discontinuous film", such discontinuity cannot be construed as the opening of the main plate, nor is it described as being arranged to receive an insert plate configured according to the size and shape of the opening.

In view of these observations, Applicant submits that Erwin does not anticipate the basic claimed overlay trim member of claims 1, 4 and 7 since it fails to disclose or suggest the specific inventive features thereof. Accordingly, withdrawal of this rejection is respectfully requested.

4. Rejection of claims 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,423,276 (Eckenroth) in view of U.S. Patent 5,247,018 (Maeda)

Claims 5 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eckenroth in view of Maeda. Applicant submits that Maeda fails to make up for the basic shortcomings of Eckenroth, as discussed above. More particularly, Maeda fails to disclose or suggest an overlay trim member having a decorative, non-utilitarian main plate with at least one opening and at least one decorative, non-utilitarian insert plate configured to be snugly disposed in the at least one opening.

Accordingly, Applicant submits that Eckenroth and Maeda, whether considered collectively or independently, fail to disclose or suggest the overlay trim member of the present invention, as recited in claim 1. Claims 5 and 9, which directly or indirectly depend from claim 1, are likewise patentable based on their dependency from claim 1 and their individually recited elements.

5. Conclusion

In view of the amended claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance.

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Art Unit: 1771

Accordingly, it is respectfully requested that claims 1-15 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. CasSELL", with a stylized flourish at the end.

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